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PTO/SB/21(08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

| | |
|------------------------|------------------|
| Application Number | 10/774,150 |
| Filing Date | February 6, 2004 |
| First Named Inventor | Michael Schwartz |
| Group Art Unit | Unknown |
| Examiner Name | Unknown |
| Attorney Docket Number | 26763-001 |

Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

| | | |
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| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers (for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment / Response | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Notice of Appeal Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | Transmittal for Information Disclosure Statement PTO/SB/08A, PTO/SB/08B with Copies of Articles Certificate of Mailing Receipt Card |
| <input checked="" type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | Remarks | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------------|--|
| Firm or Individual name | Thomas R. Mancini, Registration No. 50,157 |
| Signature | |
| Date | June 25, 2004 |

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Denise M. Bierlein

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Application Number: 10/774,150

Filing Date: February 6, 2004

First Named Inventor: Michael Schwartz

Title: Nursery Tree Pipe or Conduit and a Method for Making the Same

Docket No.: 26763-001

Transmittal Form

Transmittal for Information Disclosure Statement

Information Disclosure Statement

PTO/SB/08A and PTO/SB/08B (With Copies of Articles)

Receipt Card



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael Schwartz

Serial No.: 10/774,150

Filed: February 6, 2004

For: Nursery Tree Pipe or Conduit and a
Method of Making the Same

Art Unit: Unknown

Examiner: Unknown

Atty. Docket: 26763-001

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT FILED
BEFORE A FIRST ACTION ON THE MERITS OR WITHIN THREE MONTHS OF
THE ACTUAL FILING DATE**

Sir:

1. The Information Disclosure Statement transmitted herewith is being filed **before** the mailing date of a first Office Action on the merits.
2. Applicant believes that no fee is due in accordance with the filing of this Information Disclosure Statement.
3. The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 501447. A duplicate copy of this Petition is enclosed.

Respectfully submitted,

Thomas R. Mancini
Attorney for Applicant(s)
Reg. No. 50,157
Potter Anderson & Corroon LLP
P.O. Box 951
Wilmington, DE 19899-0951
Telephone: (302) 984-6127
Facsimile: (302) 658-1192

Date: June 25, 2004



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Michael Schwartz

Serial No.: 10/774,150

Filed: February 6, 2004

For: Nursery Tree Pipe or Conduit and a
Method of Making the Same

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit: Unknown

Examiner: Unknown

Atty. Docket: 26763-001

INFORMATION DISCLOSURE STATEMENT

Sir:

Listed on accompanying Form PTO/SB/08A and PTO/SB/08B are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. In accordance with 37 C.F.R. §1.97(d) Applicant has not included copies of the U.S. Patents listed on the enclosed PTO/SB/08A Form.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that an exhaustive search has been made, or that there does not exist information more material to the examination of the present patent application. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will review art of record in all 35 U.S.C. § 120 priority documents.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO/SB/08A and PTO/SB/08B forms, and to indicate in the official file wrapper of this patent application that the documents have been considered.



Applicants do not believe that any fee is due in accordance with the filing of this Information Disclosure Statement. However, should there be a fee due that is unaccounted for the Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 501447. A duplicate copy of this pleading is enclosed

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas R. Mancini", written over a horizontal line.

Thomas R. Mancini
Attorney for Applicant(s)
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Potter Anderson & Corroon LLP
P.O. Box 951
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Facsimile: (302) 658-1192

Date: June 25, 2004



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1

of 3

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| | |
|------------------------|------------------|
| Application Number | 10/774,150 |
| Filing Date | February 6, 2004 |
| First Named Inventor | Michael Schwartz |
| Art Unit | Unknown |
| Examiner Name | Unknown |
| Attorney Docket Number | 26763-001 |

| U. S. PATENT DOCUMENTS | | | | | |
|------------------------|--------------------------|--|--------------------------------|--|---|
| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | Number-Kind Code ² (if known) | | | |
| | | US- 3010256 | 11/28/1961 | Ise | |
| | | US- 3521401 | 07/21/1970 | Tree Supporting Unit | |
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| | | US- 5199677 | 04/06/1993 | Sessions | |
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| | | US- 6073391 | 06/13/2000 | Tort et al | |
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| | | US- 6216387 | 04/17/2001 | Stoller et al | |

| FOREIGN PATENT DOCUMENTS | | | | | | |
|--------------------------|--------------------------|---|-----------------------------------|--|---|----------------|
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear | T ⁶ |
| | | Country Code ³ *Number ⁴ *Kind Code ⁵ (if known) | | | | |
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Examiner
SignatureDate
Considered

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449/PTO

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| Sheet | 2 |
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of 3

Attome

Complete if Known

Application Number

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|------------|
| 10/774.150 |
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Filing Date

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|------------------|
| February 6, 2004 |
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First Named Inventor

Michael Schwartz

Art Unit

Unknown

Examiner Name

| |
|---------|
| Unknown |
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Attorney Docket Number

26763-001

U. S. PATENT DOCUMENTS

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FOREIGN PATENT DOCUMENTS

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|-----------------------|--|--------------------|--|
| Examiner Signature | | Date Considered | |
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| | | Application Number | 10/774,150 |
| | | Filing Date | February 6, 2004 |
| | | First Named Inventor | Michael Schwartz |
| | | Art Unit | Unknown |
| | | Examiner Name | Unknown |
| Sheet 3 | of 3 | Attorney Docket Number | 26763-001 |

| NON PATENT LITERATURE DOCUMENTS | | | |
|---------------------------------|-----------------------|---|----------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
| | | JERSEY SHORE STEEL COMPANY, Rail Steel Orchard Posts, Internet Article (www.jssteel.com) | |
| | | JIM'S SUPPLY, Grapestakes and Post, Internet Article (www.jimssupply.com) | |
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